

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137 (b)**



First Named Inventor: John Carter Art Unit: NA

Application No.: 10/716,194 Examiner: NA

Title: DEVICES, SYSTEMS AND METHODS FOR SELECTING THE APPEARANCE
OF A VIEWER DISPLAYING DIGITAL CONTENT

Statement Establishing Unintentional Delay

The captioned patent application became abandoned on December 1, 2004, as the result of the unintentional failure to submit the Missing Parts before the expiration of the deadline to do so in reply to a Notice to File Missing Parts. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137 (b) was unintentional.

This petition is accompanied by the reply to the Notice to File Missing Parts, together with all the necessary fees for an applicant claiming small entity status, including the original filing fee, the late oath or declaration surcharge, the fee for a five (5) month extension of time, and the fee for this petition.

The Missing Parts were due 27 April, 2004, in response to a Notice to File Missing Parts mailed 27 February, 2004. The failure to file the Missing Parts on time was the result of a clerical error which caused the Missing Parts to be filed in the

05/25/2006 SLUANG61 00000007 10716194

01 FC:2255 1080.00 OP

Adjustment date: 09/25/2006 CKHLOK

05/25/2006 SLUANG61 00000007 10716194
01 FC:2255 -1080.00 OP

Refund Ref: 09/25/2006 CKHLOK 0000153967

CHECK Refund Total: \$1080.00

The unintentional delay in filing the required reply to the Notice to File Missing Parts was discovered pursuant to a review of the application file. Upon discovery of the clerical error, the applicant's attorney promptly telephoned the Patent Office to determine the Status of the application and immediately prepared the present petition.

The applicant's attorney respectfully and humbly petitions the Patent Office not to punish the applicant for the failure of the applicant's attorney by denying this petition. The applicant complied with all the requirements necessary to perfect the patent application in a timely and complete manner. The applicant held a good faith belief that application was "live" and took no action contrary to this belief.

A further consideration to grant this petition is the very real prejudice that would accrue to the applicant if the petition is denied in view of any public disclosures that may have occurred in the interim. The loss of the applicant's priority date from denial of this petition would be an unfair and punitive outcome.

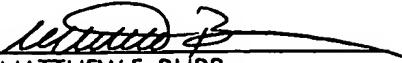
Accordingly, the applicant respectfully prays that the petition be granted and that the applicant be made whole.

[SIGNATURE PAGE TO FOLLOW]

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37 CFR 1.137 (b)

First Named Inventor: John carter Art Unit: NA
Application No.: 10/716,194 Examiner: NA
Title: Devices, Systems And Methods For Selecting the Appearance of A Viewer Displaying Digital Content

Respectfully submitted,

By: 

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Page 4 of 4

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
1 Date of Request: <u>09/21/06</u>		2 Serial/Patent # <u>10/716,194</u>		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
<input type="checkbox"/>	Filing			\$
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<input checked="" type="checkbox"/>	Extension of Time	IFW	05/23/06	\$ 1,080.00
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Payment for an extension of time is unnecessary when reviving an application				
11 REFUND REQUESTED BY:				
TYPED/PRINTED NAME: <u>Charles Steven Brantley</u>		TITLE: Senior Petitions Attorney		
SIGNATURE: <u>CSB</u>		PHONE: 571-272-3203		
OFFICE: Office of Petitions				
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